

### **REMARKS/ARGUMENTS**

The Applicants originally submitted Claims 1-19 in the application. In previous responses, the Applicants amended Claims 1-2, 6-9, 13-15 and 19 and added Claim 20. In the present response, the Applicants have not amended, canceled or added any claims. Accordingly, Claims 1-20 are currently pending in the application.

#### **I. Comment on Common Ownership**

The Examiner relies on U.S. Patent No. 6,177,861 to MacLellan, *et al.*, in a 35 U.S.C. §103(a) rejection of Claims 1- 20. The present Application, which was filed on December 4, 2001, has priority based on provisional application 60/251,013, which was filed on December 4, 2000. Accordingly, the effective filing date of the present Application is December 4, 2000, which is after November 29, 1999.

MacLellan was filed before (July 17, 1998) and issued after (January 23, 2001) the effective filing date of the present Application and, therefore, is considered a 35 U.S.C. §102(e) reference. Accordingly, MacLellan is disqualified as a reference under 35 U.S.C. §103(c) since the present Application and MacLellan, at the time the invention of the present Application was made, were owned by or subject to an obligation of assignment to Lucent Technologies Inc.

#### **II. Rejection of Claims 1-6, 8-12, 14-18 and 20 under 35 U.S.C. §103**

The Examiner has rejected Claims 1-6, 8-12, 14-18 and 20 under 35 U.S.C. §103(a) as being unpatentable over MacLellan in view of U.S. Patent No. 5,734,909 to Bennett. As stated

above MacLellan is not prior art. Additionally, Bennett has only been cited to teach configuring a client to respond an amount of time after receiving a LOCKED indicator. (*See Examiner's Action*, page 2.) The cited combination, therefore, does not provide a *prima facie* case of obviousness of independent Claims 1, 8 and 14 and Claims dependent thereon. Accordingly, the Applicants respectfully request the Examiner to withdraw the rejection of Claims 1-6, 8-12, 14-18 and 20 under 35 U.S.C. §103(a) and issue allowance thereof.

### III. Rejection of Claims 7, 13 and 19 under 35 U.S.C. §103

The Examiner has rejected Claims 7, 13 and 19 under 35 U.S.C. §103(a) as being unpatentable over MacLellan in view of Bennett and in further view of U.S. Patent No. 6,704,873 to Underwood. As discussed above, MacLellan has been disqualified as prior art and Bennett has only been cited to teach configuring a client to respond an amount of time after receiving a LOCKED indicator. (*See Examiner's Action*, page 2.) Underwood has not been cited to cure the deficiencies of MacLellan and Bennett but to teach digital signature services. (*See Examiner's Action*, page 3.) The cited combination, therefore, does not provide a *prima facie* case of obviousness for independent Claims 1, 8 and 14 and Claims dependent thereon. Additionally, dependent Claims 7, 13 and 19 include the limitation **independent of digital signatures**, instead of digitally signing client request as asserted by the Examiner. Thus, Underwood does not appear to be applicable to Claims 7, 13 and 19. Accordingly, the Applicants respectfully request the Examiner withdraw the rejection of dependent Claims 7, 13 and 19 under 35 U.S.C. §103(a) and issue allowance thereof.

#### **IV. Comment on Cited References**

The Applicants reserve further review of the references cited but not relied upon if relied upon in the future.


#### **V. Conclusion**

In view of the foregoing remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-20.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

HITT GAINES, PC

  
J. Joel Justiss  
Registration No. 48,981

Dated: 2/15/06

P.O. Box 832570  
Richardson, Texas 75083  
(972) 480-8800